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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,703	04/13/2006	Yukitaka Shimizu	1907-0233PUS1	2551
2292	7590	12/29/2010	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				AGWUMEZIE, CHARLES C
ART UNIT		PAPER NUMBER		
		3685		
			NOTIFICATION DATE	DELIVERY MODE
			12/29/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/575,703	SHIMIZU ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	CHARLES C. AGWUMEZIE	3685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 October 2010.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-44 is/are pending in the application.  
 4a) Of the above claim(s) 36-44 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-35 and 45 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>see continuation</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____                          |

04/13/06; 11/27/07; 08/05/08; and 01/27/09

## **DETAILED ACTION**

### **Acknowledgement**

1. Applicant's amendment filed on October 20, 2010 is acknowledged. Accordingly claims 1-45 remain pending with claims 1-35 and 45 being examined.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-35 and 45 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. **Claim 1-35 and 45**, is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification as originally filed contains no support for "without said license information". There are new claims without support in the specification. This is the first instance of this invention that is unrelated and unsupported by the original filing. Cancellation of the new matter is required.

Applicant's amendments/arguments filed October 20, 2010 have been considered but are deemed without merit since the applicant argues an invention lacking support in the specification and based entirely on new matter.

***Claim Rejections - 35 USC § 103***

**5.** The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**6.** **Claims 1-10, 12-19, 20-29, 31, 33-35 and 45,** are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhu et al (hereinafter "Zhu") U.S. Patent Application Publication No. 2005/0080746 A1 in view of Sato U.S. Patent Application Publication No. 2004/0128145 A1.

**7.** As per **claims 1, 17, 18, 19 and 20,** Zhu discloses a content use control device for performing use control of a content provided from a providing source of various contents to a user, comprising:

an input-output interface (client device; see figs 1) for connecting to providing source of a plurality of partial contents, inputting said plurality of partial contents, each partial content including a unique use condition field storing a use condition as license information (***see fig. 1; 0008, which discloses includes access rules for accessing the content;***) ; and

license generation unit for obtaining the license information from the unique use condition field of the partial contents, integrating said plurality of partial contents into a collective content, assigning said respective license information to said plurality of partial contents that make up said collective content and generating single license information by collecting the assigned respective license information (*0006, which discloses that the partial licenses are combinable to form a formal license that may be utilized to output the content*).

8. What Zhu does not explicitly use is the claim phrase partial content.

A person of ordinary skill in the art would recognize that partial content is equivalent to and refers to a partial license for one or more data streams since in computer field software and application are generally described either in terms of licenses or contents provided it is a licensed content or product.

9. Alternatively Sato discloses the use of partial content (*see fig. 1, which discloses partial game content; 0028, which discloses that the remaining content being what remains after removal of the initial content from the complete digital content, so as to permit the complete digital content to be reconstructed at the user system from the partial content and the remaining content; 0061, which discloses the partial game content 9A, 9B, 9C need only be partial with respect to the collective entirety of the game content. That is, if the complete game content represented*

*by Game A is made up, for example, of a plurality of sets of still video data, motion video data,...)*

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Zhu and incorporate the content use control device wherein a collection of partial content are aggregated into a collective content separately licensable in order to ensure security of the protected contents from unauthorized use in view of the teachings of Sato.

10. As per **claims 2 and 21**, Zhu further discloses the content use control device, wherein the license generation unit assigns respective license information to a plurality of first collective contents that are made up of a plurality of partial contents and that make up a second collective content and generates single license information by collecting the assigned respective license information (0006; 0008).

11. As per **claims 3 and 22**, Zhu further discloses the content use control device wherein the license generation unit imparts a unique content id to each of partial contents contained in the collective content and imparts a unique license id to license information corresponding to each of the partial contents contained in the collective content (0061).

12. As per **claims 4 and 23**, Zhu further discloses the content use control device, wherein the content id and the license id are associated with each other (0061).

13. As per **claims 5 and 24**, Zhu further discloses the content use control device, wherein the input-output interface enables connection to one or more of providing sources including a recording medium having the partial contents recorded thereon, a network having a server device capable of providing the partial contents, and a digital broadcasting network capable of distributing the partial contents (see fig. 1).

14. As per **claims 6 and 25**, Zhu further discloses the content use control device, comprising:

external or internal recording unit and output control unit for outputting both or either of license information generated by the license generation unit and the collective content associated therewith to a recording medium via the recording unit or the input-output interface (see figs. 1 and 2).

15. As per **claims 7 and 26**, Zhu further discloses the content use control device, wherein the output control unit outputs license information generated by the license generation unit and the collective content associated therewith to different recording regions of the recording medium via the recording unit or the input-output interface (see figs. 1 and 2).

16. As per **claims 8, and 27**, Zhu further discloses the content use control device, comprising:

content reproduction unit for decoding and reproducing partial contents contained in the collective content recorded on the recording medium or the recording unit (see figs. 1 and 2); and

use control unit for controlling use of the reproduced partial contents in accordance with a use condition contained in the license information associated therewith (see fig. 4).

17. As per **claims 9 and 28**, Zhu further discloses the content use control device, wherein the collective content consists of video data and/or audio data, and wherein the partial contents making up the collective content are segments of the video data and/or the audio data segmented based on the time (0004; 0006; 0038).

18. As per **claims 10 and 29**, Zhu further discloses the content use control device, wherein the collective content is obtained by multiplexing partial contents each composed of one or more of the video data, audio data, and data broadcasting data (0004; 0006; 0038).

19. As per **claims 12 and 31**, Zhu further discloses the content use control device, wherein the partial content is a stream of one or more of BS broadcasting, CS broadcasting, and terrestrial digital broadcasting (0063).

20. As per **claims 14 and 33**, Zhu failed to explicitly disclose the content use control device, wherein the use conditions contained in the license information consist of one or more of copy restriction information for restricting copy of the partial content, age viewing-and-listening restriction information for restricting the viewing-and-listening of the partial content by the age, use count restriction information for restricting the use count of the partial content, and time limit for use information for restricting the time limit for use of the partial content.

Sato discloses the content use control device, wherein the use conditions contained in the license information consist of one or more of copy restriction information for restricting copy of the partial content, age viewing-and-listening restriction information for restricting the viewing-and-listening of the partial content by the age, use count restriction information for restricting the use count of the partial content, and time limit for use information for restricting the time limit for use of the partial content (0058, which discloses age-restricted game content).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Zhu and incorporate a method wherein the use conditions contained in the license information consist of one or more of copy restriction information for restricting copy of the partial content, age viewing-and-listening restriction information for restricting the viewing-and-listening of the partial content by the age, use count restriction information for restricting the use count of the partial content, and time limit for use information for restricting the time limit for use of

the partial content in view of the teachings of Sato in order to ensure adequate security of the protected data stream.

**21.** As per claims 15 and 34, Zhu further discloses the content use control device, wherein the collective content is obtained by combining the partial contents each composed of image data and/or document data (see figs. 1 and 2).

**22.** As per claims 16 and 35, Zhu failed to explicitly disclose the content use control device, wherein the use conditions contained in the license information consist of one or more of copy restriction information for restricting copy of the partial content, print restriction information for restricting print of the partial content, time limit for use information for restricting the time limit for use of the partial content, resolution restriction information for restricting the resolution conversion of the partial content, and the number-of-colors restriction information for restricting the number of colors of the partial content.

Sato discloses the content use control device, wherein the use conditions contained in the license information consist of one or more of copy restriction information for restricting copy of the partial content, print restriction information for restricting print of the partial content, time limit for use information for restricting the time limit for use of the partial content, resolution restriction information for restricting the resolution conversion of the partial content, and the number-of-colors restriction

information for restricting the number of colors of the partial content (0055, which discloses daily execution time limit).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Zhu and incorporate a method wherein the use conditions contained in the license information consist of one or more of copy restriction information for restricting copy of the partial content, print restriction information for restricting print of the partial content, time limit for use information for restricting the time limit for use of the partial content, resolution restriction information for restricting the resolution conversion of the partial content, and the number-of-colors restriction information for restricting the number of colors of the partial content in view of the teachings of Sato in order to ensure adequate security of the protected data stream.

**23.** As per claim 45, Zhu failed to explicitly teach the content use control device, wherein license information included in respective partial content that is provided by a providing source is assigned to a changed version of the respective partial content in the collective content

Sato discloses the content use control device, wherein license information included in respective partial content that is provided by a providing source is assigned to a changed version of the respective partial content in the collective content (0122)

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Zhu and incorporate the content use control device, wherein license information included in respective partial content that is

provided by a providing source is assigned to a changed version of the respective partial content in the collective content in view of the teachings of Sato in order to track new contents.

**24.** Claims 11, 13, 30 and 32, are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhu et al (hereinafter “Zhu”) U.S. Patent Application Publication No. 2005/0080746 A1 in view of Sato U.S. Patent Application Publication No. 2004/0128145 as applied to claims 1 and 20 above, and further in view of Son et al (hereinafter “Son”) U.S. Patent Application Publication No. 2006/0218611 A1

**25.** As per claims 11 and 30, Zhu and Sato failed to explicitly discloses the content use control device, wherein the partial content is an mpeg-2 ES (elementary stream) Son discloses the content use control device, wherein the partial content is an mpeg-2 ES (elementary stream) (see claim 15).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant’s invention to modify the method of Zhu and incorporate the content use control device, wherein the partial content is an mpeg-2 ES (elementary stream) in view of the teachings of Son in order to show alternative or the particular data stream used in the implementation.

**26.** As per claims 13 and 32, Zhu and Sato failed to explicitly disclose the content use control device, wherein the partial contents are ES group which belong to a single component group

Son discloses the content use control device, wherein the partial contents are ES group which belong to a single component group (0044; 0047; see claim 15)

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Zhu and incorporate wherein the partial contents are ES group which belong to a single component grouping view of the teachings of Son in order to show alternative protocol implementation.

### ***Conclusion***

**27.** Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Agwumezie whose number is **(571) 272-6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin Hewitt can be reached on **(571) 272 – 6709**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charlie C Agwumezie/  
Primary Examiner, Art Unit 3685  
December 14, 2010